**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.1134 OF 2005
WITH
CIVIL APPLICATION NO.1246 OF 2005

Girdhariram G. Fulwaria & Anr. ..Appellants.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.R.K.Jain h/f S.S.Lanke for appellants.

Mr.A.R.Patil, AGP for respondent Nos. 1 and 2.

Mrs. Geeta Joglekar for respondent Nos.3 and 4.

Ms.Geeta Shastri for R.M.Sawant for respondent No.5.

**CORAM: A.M.KHANWILKAR,J**

**DATE : JULY 7, 2006.**

**P.C. :**

1. Heard.

2. In terms of order dated June 22, 2006 it is agreed between the parties that the competent authority has passed speaking order recording findings on the relevant issues. It is seen that the competent authority has found as of fact that the suit structure falls within the road line. It is further found that the no alternative premisses can be offered to the appellants in lieu of suit structure as the suit structure is unauthorised, in

view of the extant policy.

3. In this backdrop, counsel for the appellants submits that in that case, the appellants may be given time to vacate the suit premises. He prays for two weeks' time. He further submits that the appellants will not pursue this appeal and the issue regarding correctness of the view taken by the competent authority that the appellants are not entitled for alternate accommodation as suit structure is unauthorised be kept open to be decided in the suit. Accordingly, this appeal is dismissed as withdrawn, keeping the issue regarding allocation of alternate accommodation to the appellants in lieu of the suit structure open, to be decided in the suit.

4. The appellants are granted two weeks' time to vacate the suit premises. It is made clear that if the appellants fail to vacate the suit premises on or before 21st July, 2006, it will be open to the officials of the Corporation to proceed against the suit structure in accordance with the law.

5. Appeal as well as civil application disposed of on the above terms.